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EINGEGANGEN
- 6. Okt. 2006
v. FÜNER EBBINGHAUS FINCK HANO



Application No. 04 026 847.6 - 2303	Ref. EPAD-86347.8	Date 05.10.2006
Applicant Worthington Armstrong Venture		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Stern, Claudio
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)



Bescheid/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 05.10.2006
Date

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Sheet 1
Feuille

Anmelde-Nr.:
Application No.: 04 026 847.6
Demande n°:

The examination is being carried out on the **following application documents:**

Description, Pages 1-12 as originally filed

Claims, Numbers 1-9 as originally filed

Drawings, Sheets 1-4 as originally filed

1. The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5 839 246

D2: US-A-4 317 641

2. Clarity (Article 84 EPC):

- 2.1 Claim 1 is not clear in view of the use of the expression "In a connector ... the improvement comprising", as it is unclear whether protection is sought for the improvement only or for all the features defined in the claim (see EPO-Guidelines C-III, 4.8b).

The claims should be drafted in the two-part form, in accordance with Rule 29 (1) (a) and (b) EPC.

- 2.2 Claim 1 is further not clear in respect of its category (see EPO-Guidelines C III, 3.1 and 4.1), taking into account that it seems to be directed at a device but the improvement would seem to consist in a method step.

- 2.3 Claim 3 contains a reference to the drawings. According to Rule 29(6) EPC such a claim is allowable only where the reference is absolutely necessary (cf. EPO Guidelines, C-III, 4.10), which is not the case here.

- 2.4 Claims 4 to 7 and 9 do not meet the requirements of Article 84 EPC in that the matter for which protection is sought is not defined. The claims attempt to define the subject-matter in terms of the result to be achieved. Such a definition is only allowable under the conditions elaborated in the Guidelines C-III, 4.7. In this instance, however, such a formulation is not allowable because it appears possible to define the subject-matter in more concrete terms, viz. in terms of how the effect is to be achieved.



Bescheid/Protokoll (Anlage)

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Datum
Date 05.10.2006
Date

Blatt
Sheet 2
Feuille

Anmelde-Nr.:
Application No.: 04 026 847.6
Demande n°:

- 2.5 Claim 8 does only refer to technical features allegedly present in the previous claims and does not include any further technical features. Its inclusion in the set of claims does not comply with Article 84 EPC in that the set is therefore not concise.
- 2.6 In accordance with the EPO-Guidelines C-II, 4.18, either the relevant passages of documents US-A-5 839 246 and US-A-6 178 712, mentioned on page 1 of the description of the present application, should be incorporated into, or the reference to this document deleted from, the application.
3. Inasmuch as independent claim 1 can be understood at all, it would seem that the present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of the said claim 1 is not new in the sense of Article 54(1) and (2) EPC.
- 3.1 Document D1 (the expressions in brackets refer to this document) discloses a connector (clip 40) that is stabbed through a slot (slot 30) in a main beam (main beam or runner 20) in a suspended ceiling grid to lock with an opposing identical connector (clip 40) already in the slot (30), and that has a cantilevered locking latch (ear 50) integral with and pivoted from a base in the connector (40), wherein the locking latch (ear 50) can be pivoted from the base in an arc (see column 5, lines 14-16).
- 3.2 Thus, the combination of features of independent claim 1 is entirely disclosed by the device described in D1.
- 3.3 It should be noted that the combination of features of claim 1 is also disclosed in document D2.
4. In the event of the continuation of the procedure, the Applicant is invited to take account of the following points:
- 4.1 it should be noted that, in accordance with Rule 86(4) EPC "amended claims may not



Bescheld/Protokoll (Anlage)

Communication/Minutes (Annex)

Notification/Procès-verbal (Annexe)

Datum
Date 05.10.2006
Date

Blatt
Sheet 3
Feuille

Anmelde-Nr.:
Application No.: 04 026 847.6
Demande n°:

relate to **unsearched subject-matter** which does not combine with the originally claimed invention or group of inventions to form a single inventive concept" (see also EPO-Guidelines C-VI, 5.2 ii).

- 4.2 To meet the requirements of Rule 29 (1) EPC, the independent claims should be properly cast in the **two part form**, with those features which in combination are part of the prior art being placed in the preamble.
- 4.3 **Reference signs in parentheses** should be inserted in the claims to increase their intelligibility; this applies to both the preamble and characterising portion (Rule 29(7) EPC).
- 4.4 The description should be brought into conformity with the new claims to be filed; the definition of the **problem** underlying the invention should be presented in the description in such terms that its solution can be better understood in view of the disclosure of the corresponding closest prior art document (Rule 27 (1) (c) EPC). Care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123 (2) EPC).
- 4.5 The definition of the **problem** underlying the invention should be presented in the description in such terms that its solution can be better understood in view of the disclosure of the corresponding closest prior art document (**D1**) (Rule 27 (1) (c) EPC).
- 4.6 In order to expedite the procedure and to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify all amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate on which passages of the original application each of these amendments are based (EPO-Guidelines E-II, 1).